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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,925	05/04/2001	Jean-Marc Villaret	10005203-1	8953

7590 03/02/2005  
HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER
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MCCLELLAN, JAMES S

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 03/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

 <b>Office Action Summary</b>	<b>Application No.</b> 09/849,925	<b>Applicant(s)</b> VILLARET ET AL.	
	<b>Examiner</b> James S McClellan	<b>Art Unit</b> 3627	

**– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –**

**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 November 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-6 and 23-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-6 and 23-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/29/04</u> | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Request for Continued Examination***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/29/04 has been entered.

### ***Amendment***

2. Applicant's submittal of an amendment was entered on 11/29/04, wherein:

- claims 1, 3-6, and 23-29 are pending;
- claims 7-14 and 16-29 have been canceled;
- claims 1 and 3-5 have been amended; and
- claims 23-29 have been added.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1, 4-6, and 23-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jenkins et al in view of White and Cook et al.

Jenkins et al. disclose a system a system and method for providing products via an EFTPOS terminal arrangement (see col. 11, lines 18-29) coupled to a plurality of vendor DPSs (150) hosting both payment and non-payment application (see, for example, Fig. 4 and col. 11, lines 18-29) and coupled to a financial institution DPS hosting a second application (see col. 11, lines 18-29, comprising: accessing the first application at the first vendor's DPS via the non-payment application (see col. 6, lines 24-33); selecting a product via the non-payment application (see col. 6, lines 44-48); transmitting a set of customer-specific financial account data to the second application on the financial institution DPS (see col. 11, lines 18-29); and receiving a transaction confirmation status (see col. 6, line 66 through col. 7, line 4). Jenkins et al. further disclose the step of displaying an electronic message received from one of the vendor DPSs (see col. 6, lines 24-30). Jenkins et al. further disclose a product database that includes a data set identifying a payment amount (see for example, col. 8, lines 27-41) and the step of transmitting the data set to a second vendor DPS in response to receiving transaction confirmation.

Jenkins et al. discloses al of the limitations of the claims except for the steps of providing advertisements form the vendor or other real-time messages. Additionally, Jenkins et al. fails to disclose the use of a proxy server securing the identity of a user.

White et al. discloses a transaction terminal that includes an ad area (78) for displaying advertisement content that may be static, dynamic, and/or interactive (col. 8, lines 18-28).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Jenkins et al. with advertisements taught by White et al., because

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advertisements generate potential consumer interest in products or services, wherein increasing the likelihood of a consumer purchasing the advertised product or service.

Cook et al. teaches the use of a proxy server securing the identity of the user (see paragraph bridging columns 1-2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Jenkins et al. with a proxy security system as taught by Cook et al., because secure transactions are desired by consumers, wherein consumers are less likely to suffer identity theft when security features are added an electronic transaction.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jenkins et al. in view of White and Cook as applied to claim 1 above, and further in view of Bertina et al.

Jenkins et al. in combination with White and Cook disclose all of the limitations of the claims except fro the step of wirelessly communicating with the EFTPOS terminal.

Bertina et al. disclose a system for wirelessly communicating with an EFTPOS terminal (see col. 2, lines 5-18).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Jenkins et al. with the teachings of Bertina et al., because wireless communication is more convenient.

### ***Response to Arguments***

6. Applicant's arguments filed November 29, 2004 have been fully considered but they are not persuasive.

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All arguments are moot in view of the new grounds of rejection required by Applicant's amendment.

*Conclusion*

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jim McClellan whose telephone number is (703) 305-0212. The examiner can normally be reached on Monday-Friday from 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski, can be reached at (703) 308-5183.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

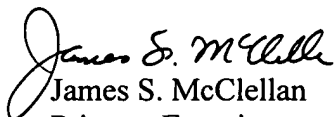
Any response to this action should be mailed to:

Commissioner of Patent and Trademarks  
Washington D.C. 20231

or faxed to:

(703) 872-9306 (Official communications) or  
(703) 746-3516 (Informal/Draft communications).

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive,  
Arlington, VA, 7<sup>th</sup> floor receptionist.

  
James S. McClellan  
Primary Examiner  
A.U. 3627

jsm  
2/21/05